

FILED  
for Roanoke  
OCT 17 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: M. Hypp  
DEPUTY CLERK

BRIAN C. JONES, SR.,  
Petitioner,

v.

UNKNOWN,  
Respondent.

)  
) Civil Action No. 7:06CV00601  
)  
) **ORDER**  
)  
)  
) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

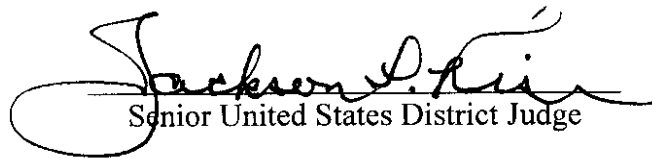
In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the above-referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice and stricken from the active docket of the court. Any pending motions are **DENIED** as **MOOT**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 17<sup>th</sup> day of October, 2006.

  
Senior United States District Judge